

### **REMARKS**

Reconsideration and allowance of the subject application are respectfully requested. Applicant thanks the Examiner for total consideration given the present application. Claims 1-2 and 4-22 were pending prior to the Office Action. No Claims have been added and no claims have been canceled through this reply. Therefore, claims 1-2 and 4-12 are pending. Claims 1, 4, 6, and 10 are independent. Applicant respectfully requests reconsideration of the rejected claims in light of the remarks presented herein, and earnestly seeks a timely allowance of all pending claims.

#### **Allowable Subject Matter**

Applicant appreciates that claims 1, 2, 9-11, 16 and 17 are indicated to be allowed.

### **OFFICIAL ACTION**

#### **Claim Rejection - 35 U.S.C. § 103(a)**

Claims 4, 6-8, 13, 15, 18 and 20 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kelton (U.S. Patent Publication No. 2003/0231655) in view of Yasukohchi et al. (U.S. Patent 5,920,673). Claims 5, 12, 14, and 19 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kelton in view of Yasukohchi and further in view of Bourne (U.S. Patent Publication No. 2004/0218672). Claims 21-22 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kelton in view of Yasukohchi and further in view of Kobayashi (U.S. Patent Publication No. 2002/0158991). Applicant respectfully traverses this rejection.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish a *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

**Features of claim 4 and 6 not taught:**

Applicants have amended independent claims 4 and 6 merely to further clarify the invention in order to move prosecution forward. Independent claims 4 and 6 have been amended to include additional limitations. Claims 4 and 6 as amended recite, *inter alia*, “a reception status display displaying the status of reception to the user; a channel switching unit switching a channel through which video data is received from the transmitter and through which the status of reception is transmitted to the transmitter, according to results of the analysis by the reception status analyzing unit, wherein a user operates the channel switching unit for switching the channel; a radio communication processing unit automatically switching the channel without waiting for the user to operate the channel switching unit when a level of the status of reception is at least a certain level.” *Emphasis added.*

Support for the amendment may be found on at least lines 14-16 of page 28, lines 19-23 of page 29, and lines 5-22 of page 35 of the specification.

The cited prior art does not show or suggest a reception status display displaying the status of reception to the user; a channel switching unit switching a channel through which video data is received from the transmitter and through which the status of reception is transmitted to the transmitter, according to results of the analysis by the reception status analyzing unit, wherein a user operates the channel switching unit for switching the channel; a radio communication processing unit automatically switching the channel without waiting for the user to operate the channel switching unit when a level of the status of reception is at least a certain level as now claimed, and claims 4 and 6 are submitted to be allowable over the cited prior for at least this reason.

Dependent claims 5, 7-8, 12-15, and 18-22 are allowable for the reasons set forth above with regards to independent claims 4 and 6 at least based on their dependency on independent claims 4 and 6.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejections of claims 4-8, 12-15, and 18-22 under 35 U.S.C. § 103(a).

Reconsideration and allowance of claims 4-8, 12-15, and 18-22 are respectfully requested for at least these reasons.

Conclusion

Therefore, for at least these reasons, all claims are believed to be distinguishable over the combination of Kelton and Yasukohchi (and other cited prior art), individually or in any combination. It has been shown above that the cited references, individually or in combination, may not be relied upon to show at least these features. Therefore, claims 4-8, 12-15, and 18-22 are distinguishable over the cited references.

In view of the above amendments, it is believed that the pending application is in condition for allowance.

Applicant respectfully requests that the the pending application be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Aslan Ettehadieh Reg. No. 62,278 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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